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Chairman: Mr. Mochochoko ..... (Lesotho)
later: Mr. Kawamura ..... (Japan)

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The meeting was called to order at 10.15 a.m.

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(A/54/33, A/54/363 and A/54/383)

1. **Mr. Srivastava** (India) said that a major aspect of the Charter which the Special Committee had been discussing in recent years was the correct implementation of Article 50, regarding assistance to third States affected by the application of sanctions imposed under Chapter VII. Economic embargoes and commercial sanctions had caused serious difficulties to third States, in particular developing countries. While the Charter authorized the Security Council to impose sanctions under Chapter VII, it did not intend the adverse consequences of such sanctions to third States to remain unattended. The Security Council was also responsible for creating the necessary mechanisms to mitigate the damage incurred by third States.

2. India fully endorsed the conclusions and recommendations of the meeting of the ad hoc expert group convened pursuant to General Assembly resolution 52/162, contained in the report of the Secretary-General on the application of the provisions of the Charter regarding assistance to third States affected by the application of sanctions (A/53/312). The ad hoc group had mentioned that the Security Council should give careful consideration to the potential effects of sanctions, both on the target State and on third countries, before imposing such measures. It had also indicated that it was necessary to contemplate appropriate and timely exemptions for humanitarian reasons and the concept of burden-sharing and equitable distribution of costs, as reflected in Articles 49 and 50 of the Charter of the United Nations, in order to minimize collateral damage and encourage full cooperation in application of sanctions. Furthermore, the international community should distribute more evenly the cost resulting from the application of preventive or enforcement measures, such as economic sanctions, particularly the consequences for developing countries that were affected, either by voluntary or assessed contributions, as in the case of the costs of peacekeeping operations, which are shared internationally.

3. Those recommendations of the expert group should be evaluated in the light of resolution 51/208 which recommended the application of appropriate mechanisms or procedures to achieve the objectives of Article 50 of the Charter. It was evident that those objectives could be achieved only by establishing appropriate permanent mechanisms within the United Nations system, with adequate financial resources provided by assessed contributions, so that they might be activated automatically when third States were affected by sanctions. The Security Council, which was the organ that imposed sanctions, had the responsibility to find solutions to the problem of third States affected by sanctions. Although his Government had not had sufficient time to study document A/54/383, a preliminary examination of the responses received from the specialized agencies and various programmes and funds of the United Nations allowed it to confirm its position that the matter should be examined directly by the Security Council.

4. With regard to the maintenance of international peace and security, India considered that the revised proposal of the Russian Federation on fundamental principles and criteria for imposing sanctions and other enforcement measures and their application provided a useful basis on which to examine the topic. However, it believed that the humanitarian consequences of open-ended sanctions regimes should be examined as they were not envisaged in the Charter and because it was neither fair nor equitable to apply them indefinitely without the opportunity for an impartial review.

5. His delegation noted with interest Cuba's proposal for strengthening the United Nations and its explanations during the most recent meeting of the Special Committee on the Charter. India attached great importance to the reform of the United Nations, including the democratization of the Security Council and the transparency of its working methods, and reiterated its commitment to strengthening the Organization and enhancing its efficiency.

6. With regard to Sierra Leone's proposal on the establishment of a dispute prevention and early settlement service, he welcomed the sponsor's clarifications and the supplementary proposal made by the United Kingdom. However, he emphasized that the fundamental principle that States parties to a dispute were free to choose from the available means of peaceful settlement should not be affected. His delegation awaited with interest the updated assessment to be prepared by the Secretariat regarding the status of the various mechanisms at the disposal of the Secretary-General in the context of dispute prevention and settlement.

7. India noted with satisfaction the decision of Guatemala to withdraw its proposal to amend the Statute of the International Court of Justice in order to extend its jurisdiction to disputes between international organizations and their member States. It was not appropriate that differences that might arise between an international

organization and its members should be compulsorily referred to dispute settlement procedures outside the procedures already established in its constituent instrument.

8. With regard to the situation of the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council*, India took note of the progress made and agreed that they should be regularly updated and published, subject to the availability of resources.

9. Lastly, his delegation supported the recommendation that the Special Committee should continue to hold its sessions in the spring and pointed out that, owing to the complexity of the issues discussed, any reduction in the duration of the sessions would adversely affect the very purpose of the Committee's work.

10. **Mr. Kerma** (Algeria) expressed his satisfaction at the work carried out by the Special Committee on the Charter of the United Nations during its most recent session. The Special Committee and various United Nations organs had been considering the subject of sanctions for several years, since that coercive tool was being used with increasing frequency. Owing to the number of affected countries, the impact of sanctions was gaining in importance. In that regard, his Government took note of the interesting ideas, measures and recommendations contained in the report of the Special Committee, which were designed to minimize the indirect effects of sanctions. The technical aspects of some of those recommendations should nevertheless be carefully studied by the Committee and by the competent United Nations bodies with a view to identifying a permanent solution that would take into consideration the legitimate claims of States affected by the implementation of sanctions. His Government continued to support the establishment of a permanent mechanism and endorsed the statement made at the summit of the Movement of Non-Aligned Countries, held at Durban, which pointed out the need to establish such a mechanism in order to assist affected States. That mechanism would be the appropriate framework for a dialogue among countries affected by sanctions, United Nations organs and other interested international institutions.

11. With regard to the proposal presented by the Russian Federation on basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation, he said that sanctions must be considered an extreme measure to be resorted to only after all means for the peaceful settlement of disputes had been exhausted; sanctions, moreover, should be imposed in strict conformity with the provisions of the Charter, should have concrete objectives and a limited time-frame, and should be lifted once the country subject to such sanctions had fulfilled its obligations. The imposition of sanctions should not infringe on the fundamental rights of the population by provoking situations that were intolerable from a humanitarian point of view. In that regard, he stressed the importance of the concept of "humanitarian limits," which must be a basic part of any evaluation of the matter of sanctions.

12. His delegation took note with interest of the proposals formulated by Cuba and the Libyan Arab Jamahiriya on bolstering the role of the General Assembly, democratizing its various bodies, and rendering its work transparent. Those proposals deserved careful consideration by the Committee, since they raised crucial questions about respect and fulfilment of the provisions of the Charter that concerned peacekeeping and conflict prevention.

13. With regard to the peaceful settlement of disputes between States, his Government continued to believe that it was not necessary to formulate new texts on a subject that had been adequately addressed in numerous instruments. The main thing was to implement existing instruments. The decision to withdraw the proposal to amend the Statute of the International Court of Justice attested to the difficulty of reaching consensus on the establishment of new international legal mechanisms and in particular the reluctance to undertake a long and complex process in a case where the political will did not genuinely exist. In any case, the International Court of Justice, the main legal organ of the United Nations, should be in a position to exercise its functions and fulfil its obligations. The General Assembly should continue to provide the Court with sufficient human and financial resources with a view to improving its efficiency and promoting the effective administration of international justice. With regard to the function of the Trusteeship Council, which had been on the agenda of the Special Committee for a number of years, it was clear that consensus had not been reached on the adoption of a definitive decision regarding the future of that institution.

14. Lastly, he noted that the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* continued to be published behind schedule, despite the Secretariat's efforts to find solutions to the constraints imposed by the lack of financial and human resources. He therefore requested the Secretariat to continue its efforts to mobilize the necessary means, as recommended in report A/54/363.

15. **Mr. Qu Wensheng** (China) said that the draft resolution submitted by the Russian Federation and Belarus to the Special Committee on the Charter of the United

Nations and on the Strengthening of the Role of the Organization (A/AC.182/L.104/Rev.1) was an extremely timely and important initiative, and he hoped that the Committee would continue to consider it on a priority basis during its session in the year 2000.

16. Since 1992, assistance to third States affected by the implementation of sanctions had been a priority item in the Special Committee and one of the issues that most deeply concerned developing countries. During the meetings of the Special Committee, the representatives of a number of developing countries had maintained that, in accordance with Article 50 of the Charter, the United Nations was under an obligation to assist the affected third States, and stressed the need for the Organization to set up a trust fund and a permanent consultation mechanism to address the special economic and social problems faced by those States. His Government deemed those proposals to be reasonable and desirable. The international community should understand the justifiable demands of affected third States and should provide them with assistance. Since the United Nations was currently not in a position to provide any effective assistance or compensation to those States, it should try to mitigate the adverse effects of sanctions on third States through other mechanisms and forms of financial and economic assistance. The proposal to establish a fund and a permanent consultation mechanism accordingly deserved further consideration.

17. Another related matter was the working paper submitted the previous year by the Russian Federation, entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation"; his delegation hoped, in that regard, that the Special Committee would continue its consideration of the item and reach consensus as soon as possible.

18. With regard to the guiding principles for the peacekeeping operations of the United Nations, his Government believed that the Committee should endorse the basic concept of the working paper presented by the Russian Federation (A/AC.182/L.89/Add.2 and Corr.1). In order to consolidate and give guidance to the United Nations peacekeeping operations, it would be useful to adopt a declaration based on the practices and experience of the United Nations in past years. The peacekeeping operations authorized and approved by the Security Council should abide by the basic principles for such operations and should act strictly in accordance with the mandate established by the Council.

19. His delegation took note of the progress made by the Special Committee with regard to the peaceful settlement of disputes. The proposal presented by Sierra Leone, entitled "Establishment of a dispute prevention and early settlement service", had been supplemented by an informal paper submitted by the United Kingdom. An updated assessment regarding the status of the various mechanisms at the disposal of the Secretary-General in the context of dispute prevention and settlement should facilitate a closer consideration of that proposal.

20. The proposal presented by the Government of Mexico on practical ways and means of strengthening the International Court of Justice, had received the Special Committee's general support. His delegation also concurred with the proposal to request the competent United Nations committees and bodies to consider carefully the request of the Court to increase its budgetary resources.

21. Lastly, although the Trusteeship Council, in the view of his delegation, had fulfilled the historical mandates entrusted to it by the Charter, it was not necessary to abolish or change its mandates at the current stage, since that would inevitably entail a revision of the Charter of the United Nations, a matter which should be dealt with in the overall context of United Nations reform.

22. **Mr. Klisović** (Croatia) welcomed the proposal to request the Secretariat to prepare a summary of the relevant work of other bodies involved in the reform of the Organization in order to ensure better coordination with the Special Committee and to avoid duplication of work. The proposal to introduce a cut-off mechanism that would avoid wasting time and resources on endless discussions of topics which were not ready for submission to the General Assembly for consideration had some merit. On the other hand, his delegation did not wish the Special Committee to be used as a political tool for the achievement of objectives that corresponded to other organs, in particular the body responsible for maintaining peace and security. It supported the proposal to assess the practical need to include new topics in the Committee's agenda and to ascertain whether sufficient political will existed for an in-depth consideration of the topic prior to its inclusion on the agenda.

23. His delegation was grateful to the Government of Mexico for having alerted the Special Committee to the need to provide sufficient economic resources to the International Court of Justice to allow it to deal with its increased workload. His Government continued to be greatly interested in preserving the credibility and efficiency of the Court, having instituted a number of proceedings in the Court for grave breaches of the Convention on the Prevention and Punishment of the Crime of Genocide committed on its territory by the forces of a neighbouring country.

24. With regard to the implementation of Article 50 of the Charter, careful thought should be given to the proposal of the ad hoc expert group that the funding procedures for the application of sanctions should be similar to those used for peacekeeping operations, bearing in mind that sanctions were an alternative to such operations or to military action. The proposal for the establishment of a permanent legal mechanism to address problems pertaining to the implementation of Article 50 should also receive consideration. Moreover, just as there should be an assessment of the impact of sanctions on both the targeted State and third States, both before and after they were imposed, particular consideration should be given to the possibility of making exceptions, depending on the given circumstances, in order to obviate the need to adopt compensatory or adjustment measures to alleviate the damage incurred.

25. Lastly, his delegation took note of the steps taken by the Secretariat to expedite the publication of the *Repertory* and the *Repertoire* and the difficulties in that connection, and shared the view that both documents should be available on the Internet.

Mr. Kawamura (Japan), Vice-Chairman, took the Chair.

26. **Mr. Buhedma** (Libyan Arab Jamahiriya), referring to the report of the Special Committee (A/54/33), expressed solidarity with the States affected by the imposition of sanctions and said that the Special Committee's report had not dealt in sufficient depth with the reasons for which sanctions were imposed, unjustly, on some countries and not on others. In that respect, the most unjust sanctions were those under which Libya had been suffering for seven years, for they had paralysed its development and caused it heavy financial losses.

27. His delegation believed that there was a contradiction between Chapter I of the Charter relating to the purposes and principles of the Organization, where the principle of the sovereign equality of its States Members was set out, and Chapter V relating to the structure and functions of the Security Council, where inequality among States Members was posited and the differences among them were emphasized. Consequently, the Security Council should be reformed and the reform should focus primarily on improving its working methods and mechanisms, so that no single State or restricted group of States could obstruct its actions and resolutions by invoking the right of veto.

28. In 1998, his delegation had submitted a proposal (A/AC.182/L.99), whose main points were the following: consideration of ways of bolstering the role of the General Assembly in the maintenance of international peace and security as a common responsibility of all States Members of the United Nations; recommendation of ways to enhance the relationship between the General Assembly and the Security Council so as to make the Council an executive arm of the Assembly; consideration of the adverse consequences of the exercise of the veto, exploration of ways to limit its use and identification of cases in which it was not advisable to use it; elaboration of criteria to expand the membership of the Security Council on the basis of the principles of equal sovereignty of States and equitable geographic distribution; a precise definition of what constituted a threat to international peace and security in order to ensure that there was no resort to action under Chapter VII of the Charter in cases that did not constitute such a threat; and effective implementation of Article 31 of the Charter. He hoped that the Special Committee would give in-depth consideration to the Libyan proposal, as well as to the working paper submitted by Cuba on strengthening the role of the Organization and enhancing its effectiveness (A/AC.182/L.93 and Add.1), the working paper submitted by the Russian Federation on basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation (A/AC.182/L.100) and, above all, the working paper submitted by the Russian Federation and Belarus (A/AC.182/L.104 and Rev.1), in which the International Court of Justice was requested as a matter of urgency to give an advisory opinion on the possible legal consequences of the use of armed force by a State or association of States against a sovereign State in the absence of a decision of the Security Council to that effect, in accordance with Article 51 of the Charter. His delegation agreed with paragraph 107 of the report of the Special Committee advocating the peaceful settlement of disputes at an early stage, and with paragraph 121 calling for the provision of sufficient funds to the International Court of Justice so that it could perform its work.

29. **Mr. Hanson-Hall** (Ghana) said that the report of the Secretary-General on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions (A/54/383) raised important issues, such as the problems faced by third States, the measures and methodology to be applied, and the role of Governments and of the Secretariat. His delegation took note of the positive response of the United Nations specialized agencies, programmes and funds and regional commissions to the recommendations of the ad hoc expert group on ways to improve the coordination of agency programming, the mobilization of funds and the delivery of assistance to affected third States; and their willingness, as in the case of the International Monetary Fund (IMF), to continue ensuring

that the specific needs and circumstances of affected countries were incorporated into policies, advice and technical assistance, and working closely with the countries that were experiencing difficulties as a result of the implementation of sanctions. With regard to other international and regional organizations, his delegation was pleased that the European Commission, despite its difficulty with the concepts of "third States" or "effects on third States", acknowledged that the impact of sanctions on developing countries deserved special attention. The points raised by the European Commission should be given further thought. One very important issue was the type of assistance to be provided by the international community to affected third States. The ad hoc group of experts had reflected on the need to explore innovative and practical measures of international assistance that could be instituted in that connection. The international community had a responsibility to help such States to overcome their difficulties. Ghana shared the view that the principle of equity imposed a special responsibility on the major industrialized and other high-income countries and, like the ad hoc group of experts, expected that those countries would recognize and accept their responsibility.

30. The report of the Special Committee considered the role that the United Nations Secretariat could be expected to play, namely, to prepare an advance assessment of the potential impact of sanctions; to formulate in advance explanatory documentation on States likely to be affected by the implementation of Article 50 of the Charter; and to monitor the effect of sanctions and consult with the Security Council so that the Council could take appropriate decisions. In addition, the Secretariat should provide technical assistance to affected third States in the preparation of the explanatory documentation they attached to their requests for consultations with the Security Council, in accordance with Article 50.

31. His delegation was pleased that all members of the Security Council had indicated their approval of the proposals outlined in document S/1999/92 for improving the work of the sanctions committees, including the establishment of appropriate arrangements and channels of communication that would improve the monitoring of the implementation of sanctions regimes and the assessment of their humanitarian consequences on the population of the target State and their economic consequences on neighbouring and other States. The sanctions committees should monitor the humanitarian impact of sanctions on vulnerable groups, including children, and make required adjustments of the exemption mechanisms to facilitate the delivery of humanitarian assistance. Another particularly important proposal was the exemption from sanctions regimes of foodstuffs, pharmaceutical and medical supplies, standard medical and agricultural equipment and basic educational items, and the possibility of excluding other essential humanitarian goods as well. The Security Council recognized that efforts should be made to allow the population of the targeted countries to have access to appropriate resources and procedures for financing humanitarian imports. Ghana supported the practical arrangements proposed in document S/1999/92.

32. Within the context of the peaceful settlement of disputes, the International Court of Justice performed a vital role in resolving cases submitted to it by Member States and rendering advisory opinions at the request of the United Nations or its specialized agencies. In that connection, his delegation had noted with interest that States were resorting to the International Court with increasing frequency and it hailed the measures the Court had taken to make its operations more efficient despite dwindling resources and a heavier workload. However, if the workload of the Court continued to increase without a commensurate growth in its budgetary resources, its efficiency would be affected. His delegation supported the draft resolution on practical ways and means of strengthening the Court. Also, it agreed that existing methods of dispute settlement should be utilized. Accordingly, it supported the informal proposals of the United Kingdom, which complemented the initiative of Sierra Leone.

33. Regarding the proposals concerning the Trusteeship Council, Ghana supported the idea of reconstituting it as a guardian and trustee of the common heritage of mankind and was willing to join other delegations to discuss the underlying principles of the proposal and the practical aspects of its future implementation. His delegation shared the view that although there was no compelling need to add new topics to the Committee's agenda at the present juncture, it might be necessary to take into account new important issues that might arise in the future. There should be a comprehensive exchange of views prior to adding any new topic to the agenda. The Special Committee should maintain contacts with other working groups dealing with the reform of the Organization to facilitate streamlining and avoid duplication of efforts. Serious efforts were being made to improve the working methods of the Special Committee to enable it to discharge efficiently the mandate entrusted to it.

34. His delegation was grateful for the Secretary-General's report on the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* (A/54/363), and was interested in the subject as it

concerned the institutional memory of the United Nations. The report demonstrated the frustration of the Secretariat in trying to meet the target dates for production of the various supplements. The backlog in their publication was depriving delegations and the general public of an important source of information about the United Nations. In the case of the *Repertoire of the Practice of the Security Council*, it was clear that the backlog was due to the increase in the action of the Security Council and the decrease in staff, as well as the lack of financial resources. Serious consideration should be given to the Secretariat's proposals regarding the programme budget for the biennium 2000-2001 and the biennium 2002-2003. Also, paragraphs 29 and 30 of the report outlined options on voluntary contributions and training programmes. It would be preferable to use a combination of the two mechanisms. In that connection, his delegation was aware of the difficulties involved in the utilization of gratis personnel. Nevertheless, it might be possible to consider utilizing the services of that class of personnel, for example, associate experts or junior professional officers, for a period of two years on the basis of broad geographical representation.

35. **Mr. Holmes** (Canada) said that, despite the valiant efforts of the Chairman of the Special Committee to bring order and focus to its meetings, the Committee was still plagued by problems of inefficiency and irrelevance. While several of the topics it examined were important and in recent years the efforts made by delegations had yielded some positive results, as in the case of the recommendations with respect to the work of the International Court of Justice, the Special Committee was still focusing on topics for which broad support did not exist. If, following a number of years of effort, an item failed to secure broad support, the sponsors should withdraw or fundamentally rethink the proposal. His delegation had serious doubts about the renewal of the Special Committee's mandate. It was time for a careful review of the Committee's agenda, including the length of time assigned for meetings. Those questions could not be considered adequately without an appreciation of the heavy workload on legal questions that awaited the Sixth Committee. There were important priorities, such as the International Criminal Court, terrorism, and oceans and the law of the sea, which would consume extensive inter-sessional time. The Millennium Assembly and other such events would also put excessive demands on all delegations. There were two possible options: either the General Assembly should approve a one-year hiatus for the work of the Special Committee, which would allow sponsoring delegations to re-examine and, if appropriate, amend their proposals to attract broader support, after which the Committee would resume its work in 2001 to consider those revised proposals; or the Committee should meet for no more than one week, as experience showed that consideration of all agenda items could be accommodated in, at most, 10 meetings. In that connection, his delegation supported the suggestion contained in paragraph 136 of the report that, in future, the Special Committee should adopt only a procedural report and an informal rapporteur's summary of the discussions.

36. His delegation supported the draft resolution contained in paragraph 122 of the report and also welcomed the work that had been done on the question of assistance to third States affected by sanctions. Although it was clear that follow-up was necessary, it was equally important to ensure that the question was addressed in the appropriate forum in order to avoid duplication. With respect to other topics on the agenda, his delegation was concerned that some of the issues failed to meet the criteria for further consideration as they did not enjoy broad support or lacked clarity in terms of scope and intent; some topics should be addressed in another forum.

37. **Mr. Hetesey** (Hungary) said that his delegation supported the assessment and proposals as outlined in the statement of the European Union; he would therefore confine his remarks to a few items, namely the streamlining of the work of the Committee, issues related to the implementation of Article 50 of the Charter and the progress made with regard to the funding of the International Court of Justice. It was encouraging that the Court's request for budgetary resources had been accepted in part, although the increase was significantly less than the minimum requirements indicated in document A/53/326. His delegation fully shared the sentiments of the European Union and other delegations which would like to see all the legitimate demands of the Court accommodated.

38. Taking up the question of the implementation of Article 50 of the Charter, he expressed the hope that further consideration of that issue by the Security Council would yield tangible results in the future. Based on a preliminary review of document A/54/383, there were some points of convergence that gave hope with regard to the future work. Everyone agreed that sanctions as currently applied were having adverse effects on "third countries" and that those effects could be measured with varying degrees of accuracy. They could be mitigated by a concerted effort with the cooperation of the Security Council, other United Nations bodies, the international financial institutions and other organizations, including regional organizations. Everyone knew that there were still differing views as to how that goal could be achieved. Ideally, the international community

should agree on what was meant by Article 50. Failing that, everyone should agree on gradual steps to mitigate the adverse effects of sanctions. The implementation of those steps should not in any way impede the work of the Security Council. The Committee and the Secretary-General already possessed all the relevant information that was needed. Once the Secretary-General submitted his report on the feasibility of the above-mentioned proposals, it would be necessary to engage in a step-by-step consideration of the different proposals in a timely manner.

39. Concerning the future streamlining of the Special Committee's work in recent years the Committee had lost much of its dynamism, owing, in part, to the backlog of agenda items. It should use innovative methods to dispose of those items. That would be possible in certain cases, for example, in the case of the proposal of Sierra Leone for a dispute prevention and early settlement mechanism, where the proposal of the United Kingdom might show the way out. In other cases, especially when an item had failed, over a period of years, to secure broad support or had ceased to be the subject of any substantive discussion, an automatic cut-off mechanism should be established. Some kind of structured or informal mechanism should be established through which the Sixth Committee, or the Special Committee itself, could decide how to avoid duplication of work or which agenda items could be better dealt with by other United Nations bodies. Owing to the Special Committee's broad mandate, those problems were especially pertinent. Solving that problem was the key to revitalizing that Committee. His delegation strongly supported the proposal for simplifying the adoption of the Special Committee's report. The Sixth Committee should also discuss the duration of the Special Committee's sessions, which should be decided on a case-by-case basis and reflect the actual workload rather than tradition. The issues concerning the streamlining of the Special Committee's work were closely interrelated, hotly debated and complex. Also, they seemed to be the key to its future success. Therefore, at the current session the Sixth Committee should consider procedural issues in an informal open-ended setting.

40. **Ms. Álvarez Núñez** (Cuba) said that her delegation was in favour of strengthening the Special Committee; a review of its working methods could be an important step in its revitalization, but any exercise of that kind should be carried out by the Special Committee itself.

41. Countries affected by sanctions continued to hope for the adoption of a comprehensive approach that would deal with both the procedural and the substantive aspects of the problem. The imposition of sanctions by the Security Council should be an exceptional measure in response to a real threat to international peace and security, and the consequences for the civilian population of the target country should be assessed in advance. Sanctions should not have the unspoken aim of causing damage to third countries, since that would undermine the original concept of sanctions and the role of the Security Council.

42. Her delegation strongly supported the proposals put forward by the Movement of Non-Aligned Countries concerning the establishment of a mechanism to implement Article 50 of the Charter, including the creation of a fund to mitigate the adverse effects of sanctions. The Charter did not provide for open-ended sanctions regimes; the objective of sanctions was not to exact punishment or alter the political system of a State but rather to modify behaviour that was threatening international peace and security. The General Assembly should also play an active role in the lifting of sanctions regimes.

43. Her delegation felt that the process of democratization and reform of the United Nations was facing a severe challenge, in view of the unacceptable manner in which the principles of the Charter and of international law had been violated by the so-called humanitarian intervention in Kosovo.

44. The means available to the United Nations to act in case of conflict were not limited to the broad powers of the Security Council but extended to the General Assembly, where there was no place for worldwide or regional hegemonies, where the obsolete right of veto did not exist and where all countries had one voice and one vote.

45. **Ms. Sinjela** (Zambia) said that her delegation attached great importance to the question of the maintenance of international peace and security, and in particular to the implementation of the Charter provisions relating to third States affected by sanctions. Since Zambia had experienced the adverse effects of sanctions, it strongly supported the proposal to establish a permanent mechanism within the United Nations system in the form of a trust fund, which was the most logical way to proceed.

46. Her delegation shared the view that there was a link between sanctions and the need to assist third States affected by them and deemed it important that the sanctions committees should consider the idea of listening to the views of representatives of the affected States. It supported the proposal by the ad hoc expert group that in some severe cases the Secretary-General should appoint a special representative to undertake, in collaboration with the Governments concerned, a full assessment of the consequences actually incurred by the affected countries.

47. Her delegation also felt that sanctions were by their nature an extreme measure, which should be utilized with caution and only once all other means of peaceful settlement of disputes had been exhausted. Since sanctions required concrete goals, their effects should be reviewed continuously, so that if the desired results were not obtained other measures could be tried.

48. With regard to the peaceful settlement of disputes between States, there were already a number of mechanisms available to the Secretary-General. In that regard, her delegation supported the United Kingdom proposal to use existing methods and to encourage States to resort to them more often.

49. On the question of ways and means of strengthening the International Court of Justice, while respecting its authority and independence, her delegation favoured the recommendations made to the General Assembly, believing that budgetary issues could not be decided by the Special Committee.

50. Her delegation felt that the proposals to abolish the Trusteeship Council were premature and that it would not be useful to turn it into a coordinating body for the common heritage of mankind since those issues were already being handled by other bodies. Her delegation therefore supported the view that, since its existence did not entail financial implications, the Council should be preserved in case its functions should be required in the future.

51. **Mr. Mirzaee Yengejeh** (Islamic Republic of Iran) said that his delegation strongly supported the proposal of the Russian Federation calling for a thorough examination of the sanctions regime, drawing upon the experience gained in applying mandatory sanctions in order to set standards for the imposition, implementation, monitoring and lifting of such measures. The exercise would enhance the credibility and authority of the United Nations in the maintenance of international peace and security. Obviously, standards should refer only to sanctions based on the Charter. Unilateral sanctions, which ran counter to the accepted norms and principles of international law, should have no place in that exercise. The international community had repeatedly denounced economic coercion as a means of achieving political goals and had asked for the elimination of such measures. The General Assembly, in resolution 53/10, had repeated the call for the repeal of unilateral extraterritorial laws imposing sanctions against other States and had urged all States not to recognize or apply such laws.

52. With regard to the proposal to request the International Court of Justice to give an advisory opinion, as discussed in paragraph 101 of the Special Committee's report, there was no doubt that the contents of paragraphs 1 and 2 of the proposed resolution were consistent with the provisions of the Charter and could hardly be disputed. Under the Charter, the use of force was limited to the exercise of the right of self-defence, in accordance with Article 51, and the use of enforcement measures to restore international peace and security on the decision of the Security Council as provided for in Chapter VII. Clearly, the Charter did not provide for the use of force in international relations apart from the exceptional cases mentioned. The Special Committee should carefully consider the implications of referring the matter to the International Court of Justice. However, the General Assembly was the proper forum for an in-depth consideration of the ramifications of collective action in addressing humanitarian catastrophes.

53. On the subject of the peaceful settlement of disputes, his delegation wished to emphasize that the free choice of means was a fundamental principle of international law, entitling the parties to a dispute to agree on such peaceful means as might be appropriate to the circumstances and nature of their dispute.

54. With regard to ways and means of strengthening the International Court of Justice, his delegation had no objection to the draft resolution contained in paragraph 122 of the Special Committee's report, which invited the Court to keep its working methods under periodic review and called upon States to consider favourably the guidance offered by the Court in the cases submitted to it. With regard to the future role of the Trusteeship Council, his delegation did not believe that it should be abolished simply because it had accomplished its mandate. However, further clarification was required before the proposed new functions for the Council could be examined. The sponsor delegation might wish to make some practical suggestions concerning the responsibilities and composition of the proposed new body and its relationship with existing forums.

55. **Mr. Buzo** (Belarus) said that the work of the Special Committee was an important element in the United Nations reform process which would allow the Organization to serve as a unique forum for the exercise of multilateral diplomacy in a multipolar world.

56. With regard to the implementation of the Charter provisions related to assistance to third States affected by the application of sanctions, he said that at the request of the Secretary-General Belarus had submitted its views on the measures for further improvement of procedures and working methods of the Security Council and its sanctions committees (A/54/383). As stated in that document, Belarus believed that sanctions were an exceptional measure to be

applied against a target country and that therefore an advance assessment of all the consequences, for both the target country and for third States, should be carried out. It was important to avoid aggravating social conditions in the target country and eroding the external trade or socio-economic indicators of affected third States. Sanctions should be limited in duration and their effects on the target country should be assessed periodically so that the Security Council could limit or lift them at the appropriate time, thus mitigating their negative effects on third States.

57. Consideration of the working paper entitled "Basic conditions and criteria for the introduction of sanctions and other coercive measures and their implementation" fell within the mandate of the Special Committee regarding strengthening of the role of the Security Council and the United Nations as a whole, increasing transparency in working methods, preventive diplomacy mechanisms and the use of coercive measures. Belarus believed that international sanctions were coercive measures against a sovereign State, to be adopted by the international community only when all other diplomatic and political means of settling the dispute had been exhausted. Coercive measures under Article 40 of the Charter could only be adopted when the Security Council determined that a crisis represented a real threat to international peace and security. In adopting preventive or coercive measures it was important to respect the principle of neutrality, to eschew policies based on double standards and to avoid artificially fostering the fragmentation of States. Sanctions should not harm a State financially or materially and other States should not be allowed to profit from sanctions.

58. The Security Council alone could impose sanctions, and the unilateral adoption of sanctions without a corresponding Security Council resolution was therefore unacceptable. Recourse to sanctions — whether through economic blockades, prohibiting the use of airspace, or preventing the branches of domestic enterprises from conducting business in other countries in order to exert political and economic pressure — was a source of concern and should be reviewed by the appropriate international bodies.

59. It was regrettable that the document entitled "Fundamentals of the legal basis for United Nations peacekeeping operations in the context of Chapter VI of the Charter of the United Nations" (A/AC.182/L.89/Add.2 and Corr.1) had not been taken into account by the Special Committee in its draft declaration on the subject. The substantive part of the declaration should help to strengthen the legal basis for peacekeeping operations, both in the preparatory phase and in their implementation, with regard to all their economic, financial, political and human aspects. In particular, the following elements should be taken into account: the conclusion of an agreement between the parties to the dispute to cooperate with the United Nations in the carrying out of peacekeeping operations; the definition of the mandate of peacekeeping forces, including the limits to the peacekeepers' right to self-defence; the responsibility of the parties to the dispute with regard to the security of troops and civilian personnel participating in the operation; the legal mechanisms of apportioning responsibility between the United Nations and the troop-contributing States for the damage caused in the course of peacekeeping operations; and, lastly, the specification of basic principles of peacekeeping, including the principle of neutrality and impartiality towards the States parties to the conflict.

60. During the session of the Special Committee, participants had mentioned the need to obtain a competent legal interpretation of specific Articles of the Charter with respect to recourse to armed force for the maintenance of international peace and security. Belarus had co-sponsored a resolution which had been included in the report of the Special Committee, but it had not been possible to achieve consensus in that regard. The operative part of the draft provided that a State could resort to the use of force only on the basis of a decision of the Security Council, pursuant to Chapter VII of the Charter, or in exercise of the inherent right of self-defence, pursuant to Article 51 of the Charter. Furthermore, it emphasized the immutability of the provisions of Article 53, paragraph 1 of the Charter, which established, in particular, that no enforcement action should be taken under regional arrangements or by regional agencies without the authorization of the Security Council. In paragraph 3 of the draft, and as a matter of urgency, pursuant to Article 96, paragraph 1 of the Charter, the International Court of Justice has requested to give an advisory opinion on legal questions. The draft resolution and its consideration did not affect the competence of the Security Council under Article 12 of the Charter.

61. The Special Committee, as a body established by the General Assembly, had a right to ask the International Court of Justice to issue advisory opinions and legal interpretations of specific provisions of the Charter concerning the mandate of the Special Committee. The Court's advisory opinion on the interpretation of Chapter VII of the Charter would allow the Special Committee to carry out, in an impartial and appropriate manner, its task of preparing legal documents relating to the activities of the organization with regard to the maintenance of international peace and security.

62. In the context of paragraph 6 of General Assembly resolution 53/106, the consideration of the aforementioned

draft resolution was a useful proposal which would allow the Special Committee to fulfil its mandate. At the same time, his delegation was prepared to participate in the consultations necessary to achieve consensus on the draft resolution in the Sixth Committee.

63. Lastly, the working methods of the Special Committee involved procedural questions which should be resolved by the Special Committee itself. With regard to enhancing the efficiency of the Special Committee, it was important for all delegations to participate actively and constructively in the discussions. The report of the Special Committee should reflect the various proposals and positions put forward by delegations. The duration of the sessions should be determined taking into account the time necessary for the consideration of each item presented within the mandate of the Special Committee.

64. **Mr. Obeidat** (Jordan), said he welcomed the conclusions of the ad hoc expert group (A/53/312) and commended the report of the Secretary-General (A/54/383), which was of immediate relevance because it was the outcome of a concerted effort by all States Members of the United Nations. However, other proposals made in the past should also be taken into account.

65. Article 50 of the Charter imposed on the Security Council an obligation to consult with third States affected by the imposition of sanctions with a view to finding the solutions to their problems. However, Article 49 established the basis for sharing responsibility for costs resulting from the application of preventive or coercive measures, since it obliged Member States to join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

66. The consequences of economic sanctions were almost as serious as the use of force; therefore, such sanctions should be resorted to only in exceptional circumstances and after all other means had been exhausted. The sanctions should have a specific objective, in accordance with Chapter VII of the Charter; they should be applied for a specific period of time; they should not be indiscriminate; and should not harm the civilian population in the target country.

67. In conclusion, he reiterated that, because it was complying with the Charter of the United Nations, Jordan continued to be a victim of the application of sanctions, which had seriously harmed its financial, economic and commercial sectors and had very negative social repercussions.

The meeting rose at 12.45 p.m.